

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TORAN PETERSON,
Petitioner,

No. 1:07-cv-0099

-v-

HONORABLE PAUL L. MALONEY

WILLIE SMITH,
Respondent.

ORDER DENYING PETITIONER'S MOTION FOR AN ORDER THAT A REPORT AND
RECOMMENDATION BE ISSUED

Before this Court is Petitioner Toran Peterson's motion (Dkt. No. 70) for an order that the report and recommendation be issued. Petitioner Peterson filed a petition for writ of habeas corpus on January 31, 2007. On March 3, 2007, after reviewing the petitioner's writ, the magistrate judge ordered the respondent to file an answer. After several orders extending the time for filing, the answer was filed on November 2, 2007. The Rule 5 material was filed on March 14, 2008. Petitioner now requests this Court order the magistrate judge to issue a report and recommendation. Petitioner asserts the length of time taken to issue the report has become excessive.

Under the circumstances, the amount of time taken to issue the report and recommendation is not excessive. The four district judges and four magistrate judges for the Western District of Michigan handle more than 700 prisoner related lawsuits each year, in addition to handling the rest of the civil and criminal caseload. Each case receives careful and thoughtful attention. Due to the large number of cases pending review, cases wait in line for oldest to the most recently filed. Internal case aging measurements are routinely taken and methodically assessed. This Court anticipates a report and recommendation on Petitioner Peterson's case will issue soon. This Court cannot identify the particular month or week the report will issue, however, the Court expects the report would issue before the end of the year.

Therefore, Petitioner's motion (Dkt. No. 70) for an order that a report and recommendation be issued is **DENIED. IT IS SO ORDERED.**

Date: September 1, 2009

/s/ Paul L. Maloney

Paul L. Maloney
Chief United States District Judge